

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Hyderabad – Lands - Directions of the Hon'ble High Court of A.P. in its order dt;17-07-2012 in WP NO.4905 of 2008 filed by M/s. Balaji Administrative Services Private Limited, M/s. Maharshi Publishers Private Limited, and M/s. Creative Industries Private Limited – Final notice giving (6) months time to the aforesaid (3) firms, to get all the clearances and to start the work with reference to the objectives for which the land has been allotted to them without any deviations and to show the progress – Orders – Issued.

REVENUE (ASSIGNMENT –III) DEPARTMENT

GO.Ms.No. 577

Dt:27 -11-2013

READ: the following :-

- 1... Notice from the Hon'ble High Court of A.P. in WP NO.4905 of 2008 filed by M/s Balaji Administrative Services Private Limited, M/s. Maharshi Publishers Private Limited, and M/s. Creative Industries Private Limited., dated 07-03-2008.
- 2... Orders of the Hon'ble High Court of A.P. in its order dt;17-07-2012 in WP NO.4905 of 2008 filed by M/s Balaji Administrative Services Private Limited, M/s. Maharshi Publishers Private Limited, and M/s. Creative Industries Private Limited.
- 3... Government Memo.No.14116/ Assn.III/2/1996, Dated : 01-09-2012 of Revenue (Assignment-III) Department.
- 4... From the Collector, Hyderabad Lr.No.I1/8593/1992, Dated 13-09-2012, addressed to the Government.
- 5... Govt.Memo.No.14116/Assn.III/2/1996, Dated 08-10-2012, last reminder dated 31-08-2013 of Revenue (Assignment-III) Department.
- 6... From the Spl.CS & CCLA, Hyderabad Lr.No.BBB-2/465/ 2013, Dated 16.09.2013.

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ORDER:-

In the reference 1<sup>st</sup> read above, M/s Balaji Administrative Services Private Limited, M/s. Maharshi Publishers Private Limited, and M/s. Creative Industries Private Limited have filed Writ Petition No.4905/ 2008 before the Hon'ble High Court of AP for declaring that the action of the 1<sup>st</sup> Respondent contained in Memo.No.14116/Assn.III/1996, Dated 01-09-2007 cancelling the land allotments of the petitioners covered by Go.Ms.No.1096, 1098 and 1099 Dated 31-10-1994 and directing the 2<sup>nd</sup> Respondent to resume to the possession of the land allotting to the petitioners there under is arbitrary, irrational malafide and violative of principles of natural justice and consequently invalidate the said Memo of the 1<sup>st</sup> Respondent and the consequential proceeding of the 2<sup>nd</sup> Respondent bearing No.I1/ 8593/1999 dated 02-11-2007; I1/4147/1999 and I1/4148/1999 dated 02-11-2007 is unsustainable and direct the respondents to forbear from enforcing the same against the petitioners and further direct the respondents not to interfere with the possession and enjoyment of the allotted land of the petitioners situated in S No.2 Block-D and T.S. No.1/1 Block-F of Ward No.9 correlated to Sy.No.403/P of Shaikpet village, Golconda Mandal, Hyderabad.

2. In the reference 2<sup>nd</sup> read above, the Hon'ble High Court in its order dated 17.07.2012 in WP No.4905/2008 have passed following direction: (operative portion):-

*"I have given my anxious consideration to the rival contentions advanced by the learned counsel appearing for the parties. It is a matter of record that the show-cause notices dated;06-01-2006 have been issued to the petitioners proposing cancellation of the allotment. The petitioners submitted their explanations to the show cause notices. It is a matter of record that the original allotments in favour of the petitioners were made by the Government in the year 1994; vide G.O.Ms.No.482,483, and 484 dated 20<sup>th</sup> July, 2004. The above – referred Government Orders were issued in the name of the Governor of Andhra Pradesh. The Collector and District Magistrate, issued show-cause notice dated ; 06-01-2006. The petitioners submitted explanation to the show cause notices. The proper authority to cancel the assignment is the Government. The memo issued by the Government has been extracted supra. It is not indicated in the memo that the Government considered the explanations offered by the petitioners. Without looking into the explanations offered by the petitioners, the Government issued instructions to the Collector to resume land allotted to the petitioners. Subsequent proceedings dated: 02-11-2007 issued by the District*

*Collector-2<sup>nd</sup> respondent are based on the Memo.NO.14116/Assn.III//1/96 dated:01.09.2007. The basic order for cancellation of the allotment in Memo Dated:01-09-2007 issued by the Government. A plain reading of the above-referred memo indicates that the Government have not looked into the explanations offered by the petitioners. Therefore, I am of the view that the Government Memo No.14116/Assn.III/1/1996 dated:01-09-2007 and consequent order passed by the District Collector cannot be sustained.*

*Accordingly, the writ petition is allowed setting aside Memo.No.14116/Assn.III/1/1996, dated:01-09-2007 and consequential order passed thereon. However, the Government is at liberty to pass orders afresh on considering the explanation already submitted by the petitioners, No order as to costs.*

3. Government have examined the above directions and the Collector, Hyderabad /CCLA, Hyderabad have been requested to submit a detailed report with specific remarks to Government for further necessary action vide Govt.Memo 3<sup>rd</sup> read above.

4. In the reference 6<sup>th</sup> read above, the CCLA & Spl.C.S, has reported that, after perusal of the report of the Collector, Hyderabad in the reference 4<sup>th</sup> read above and the records submitted by the aforesaid (3) firms, it has been observed that there are two stages involved in the whole issue. Earlier Government orders before handing over possession to the firms which was challenged in the High Court and subsequently in the Supreme Court. Here the issue was discrimination shown against them Vis-à-vis DOT publishers, Roots Educational Society and the Hon'ble Courts consistently held that discrimination should not be shown and that non-handing over possession of land even after payment of the value as fixed is wrong and the order of this Hon'ble High Court quashing G.O.Ms.No.38, dt:16.01.2001 cancelling the allocation of land to these (2) institutions was upheld by the Hon'ble Supreme Court.

5. The CCLA has also reported that, subsequently through G.O.Ms.No.482, 483 & 484 in the year 2004, the land was again re-allotted to the above organizations and the Collector, Hyderabad was requested to take necessary action to hand over to the above land to the (3) firms. Accordingly, the land was handed over to the Institutions on 02-08-2004 by conducting Panchanama as reported by the Collector in his letter dt:17.06.2013. The action now is with reference to non-construction of the buildings and putting them to use as per the conditions of allotment after handing over possession of land in pursuance of the above said G.Os based upon a Letter of the Collector, Hyderabad. The Government vide Memo.No.14116/Assn.III/1/96, dt:01.09.2007 cancelled the allotment of land to DOT Publishers, Maharshi Publishers, Creative Industries and Balaji Administrative Services while violating the Conditions issued in the above G.Os allotting the land to them in 2004. Further he has reported that the Government issued instructions to the Collector to resume the land allotted to the petitioners on the point that since the Memo is not a speaking order, and as the Government have not looked into the explanation offered by the Petitioners, the Hon'ble Court set aside the Govt. Memo. No.14116/ Assgn.III/1/96, dt:01.09.2007 and the consequential orders passed thereon. However, a Memo cannot set aside a G.O earlier passed and even on that ground the Memo would not have stood the scrutiny of Judicial examination while passing this order. The Court gave freedom to the Government holding that Government is at liberty to pass orders afresh on considering the explanation submitted by the petitioners. Hence, while examining this issue on the basis of explanation offered by the Petitioners and for taking a view on this, we need not be bound by the earlier High Court order as well as the SLP filed before the Supreme Court since at that time the contention was with reference to discriminatory approach in dealing with the petitioners vis-à-vis DOT Publishers and Roots Educational Society and non-handing over of possession of land even after payment of full value.

6. The CCLA, Hyderabad has further reported the G.Os specifically G.O.Ms.No.482, Dated:20-07-2004 talks of handing over of land to Maharshi Publishers for establishment of Printing Press Andhra Patrika and its administration office, / G.O. Ms.No.483, dated 20-07-2004 talks of allotting land to Creative Industries Pvt.Ltd., for establishment of Printing Press of Guardian English Daily Press, and G.O.Ms.No.484, Dated 20-07-2004 talks of provision of land to Balaji Administrative Services for establishment of Udayam Daily News Paper. As is made out by the District Collector in his report, they are not running any New Paper and these are not in circulation, the Memorandum of the Articles of Association do not remotely talk of publication of News Papers and after the land has been handed over, no specific effort has been done by any of these Agencies to obtain necessary permissions and to start the work. It cannot be the job of the Revenue Department having allotted the land to pursue with the above (3) organizations for getting necessary approvals from different departments and it is for them to obtain necessary permissions and put the land allotted to them to use for which it was allocated and if they failed to do it in doing so, return it back to Government.

7. However, in view of the plea that the three (3) institutions are making that they are yet to get the necessary permissions to start their work, the CCLA has requested the Government to issue a final notice from Government side giving (6) months time to the aforesaid firms, to get all the clearances and to start the work with reference to the objectives for which the land has been allotted to them without any deviations and show progress, failing which Government may resume back to the land if they do not put it to use for which it is meant.

8. Government have examined the proposal, and have observed that ---

" Since the High Court gave liberty to Government to pass orders afresh after considering the explanations already submitted by the petitioners, the remarks of the CCLA were called for. The CCLA has reported informing that G.O.Ms.No.482 talks of handing over of land to Maharshi Publishers for establishment of Printing Press Andhra Patrika and its administration office, G.O. Ms.No.483 talks of allotting land to Creative Industries Pvt.Ltd., for establishment of Printing Press of Guardian English Daily Press, G.O.Ms.No.484 talks of provision of land to Balaji Administrative Services for establishment of Udayam Dilay News Paper. As is made out by the District Collector in his report, they are not running any New Paper and these are not in circulation, no specific effort has been done by any of these Agencies to obtain necessary permissions and to start the work. It cannot be the job of the Revenue Department having allotted the land to pursue with the above three organizations for getting necessary approvals from different departments and it is for them to obtain necessary permissions and put the land allotted to them to use for which it was allocated and if they failed to do it in doing so, return it back to Government. However, in view of the plea that the three (3) institutions are making, that they are yet to get the necessary permissions to start their work, the CCLA has requested the Government to issue a final notice from Government side giving (6) months time to the aforesaid firms, to get all the clearances and to start the work with reference to the objectives for which the land has been allotted to them without any deviations to them and show progress failing which Government may resume back to the land if they do not put it to use for which it is meant.

Further, it was observed that it is appropriate to agree with the recommendations of the CCLA and if the agencies do not comply the conditions in the time allowed, and land may be resumed back through a speaking order by way of issuing a G.O, instead of a memorandum.

9. Accordingly, Government hereby direct the District Collector, Hyderabad to issue a final notice giving six (6) months time to the aforesaid (3) firms, to get all the clearances and to start the work with reference to the objectives for which the land has been allotted to them without any deviations and to show the progress, failing which the District Administration may resume back the land if they do not put it to use for which it is meant .

10. The Spl.CS & CCLA. Hyderabad / the Collector, Hyderabad shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.R.MEENA

PRINCIPAL SECRETARY TO GOVERNMENT

To

The Spl.CS & CCLA, Hyderabad.

The Collector, Hyderabad.

M/s. Balaji Administrative Services Private Limited.

M/s. Maharshi Publishers Private Limited.

M/s. Creative Industries Private Limited.

( ..Through the Collector, Hyderabad)

Copy to:

The PS to Prl. Secy. to CM

The PS to Hon'ble M (Rev)

The PS to Chief Secretary

The PS to Principal Secretary (Rev)

The Law Department

S.F.

//FORWARDED::BY::ORDER//

SECTION OFFICER